

1
2
3
4
5

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8
9 WELLS FARGO BANK,

No. C 12-4065 SI

10 Plaintiff,

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE REMANDED TO
STATE COURT FOR LACK OF
JURISDICTION**

11 v.

12 MICHELE E. LAMIRANDE,

13 Defendant.

14
15 On August 2, 2012, *pro se* defendant Michele Lamirande removed this unlawful detainer action
16 from state court. The notice of removal states that this action arises under federal RICO statutes because
17 Wells Fargo has engaged in mortgage fraud. However, removal jurisdiction is subject to the well-
18 pleaded complaint rule, meaning that the basis for removal jurisdiction must be evident from the face
19 of the complaint. *See Franchise Tax Bd. of California v. Construction Laborers Vacation Trust for So.*
20 *California*, 463 U.S. 1, 9-12 (1983) (discussing well-pleaded complaint rule). From the face of the
21 complaint, this Court lacks jurisdiction because there are no federal claims alleged in Wells Fargo
22 Bank's unlawful detainer complaint.

23 Accordingly, defendant is ORDERED TO SHOW CAUSE in writing no later than **August 27,**
24 **2012**, why this case should not be remanded to the Superior Court for the County of San Mateo.¹ If
25 defendant asserts that removal was proper and this Court has jurisdiction, defendant must specifically

26
27 ¹ Plaintiff has filed a motion to remand this case, and that motion is scheduled for a hearing on
28 September 21, 2012. The Court VACATES that hearing, and in lieu of filing an opposition to plaintiff's motion, defendant shall respond to this Order to Show Cause.

1 identify the basis for jurisdiction.

2

3 **IT IS SO ORDERED.**

4

5 Dated: August 16, 2012

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Susan Illston

SUSAN ILLSTON
United States District Judge